

the world that are dedicated to the promotion of freedom and human rights;

Whereas the United States, while voting against the resolution creating the United Nations Human Rights Council, was unable to ensure that the council would be structured to best promote and protect human rights around the globe; and

Whereas if the United States, working with other like-minded countries, is not able to adequately reform the corrupt United Nations Human Rights Commission, then the chances for the United States and other like-minded countries to effect the broader changes to the United Nations that are desired and needed to make the institution more effective are much reduced: Now, therefore, be it

*Resolved*, That the Senate—

(1) affirms that the United Nations Human Rights Council should be a body that upholds the ideals contained in—

(A) the United Nations Charter; and

(B) the Universal Declaration on Human Rights;

(2) believes that countries charged with protecting the human rights of individuals throughout the world should be required to—

(A) hold regular, competitive, and democratic elections;

(B) allow for freedom of expression; and

(C) have a credible civil society;

(3) finds that the creation of the United Nations Human Rights Council fails to—

(A) adequately reform the United Nations Commission on Human Rights; and

(B) prevent the worst abusers of human rights in the world from attaining membership to the council;

(4) applauds the Administration for opposing the creation of the new council;

(5) believes that the United States should adhere to its principles and not seek membership on the new council, a move that would undermine the credibility of the United States and give the new council unwarranted legitimacy;

(6) urges the Administration to not support the United Nations Human Rights Council, and to advocate in favor of the withdrawal of any financial support that would be used to support the council until meaningful reforms are undertaken; and

(7) believes the United States should strengthen, deepen, and operationalize the work of the international community of democracies by establishing an effective human rights oversight body outside the United Nations system, so as to make it the primary means for examining, exposing, monitoring, and redressing human rights abuses throughout the world.

Mr. FRIST. Mr. President, yesterday, I wrote a letter to President Bush expressing my strong opposition to the United States participating in the United Nations Human Rights Council. I believe the newly established body represents little improvement over the old and discredited commission it is intended to replace. Furthermore, any U.S. participation or financial support of the Council undermines our credibility as defenders of human rights around the world. I believe many of my colleagues share my assessment, which is why this resolution expresses the Senate's opposition to the Council and our strong belief that the United States should take no part. The United Nations Commission on Human Rights was established by the United States and our allies in 1946 to monitor and prevent human rights abuses throughout the world. It was charged to uphold

the ideals embodied in the U.N. Charter and the Universal Declaration on Human Rights. However, in the intervening years, the Commission fell far short of these noble expectations. In particular, the Commission consistently granted membership to some of the world's worst human rights abusers. Sudan, Cuba, Libya, China, and Zimbabwe all have demonstrated egregious disregard for the human rights of their own citizens and shamefully were all Commission members. Moreover, the Commission repeatedly failed to act or condemn numerous cases of intolerable human rights abuses. These include the many abuses perpetrated by Communist states, the 1994 Rwanda genocide, and even the ongoing genocide in Sudan's western region of Darfur. Many of our colleagues by now have had the opportunity to travel to that Darfur region. I, for one, have been there, as well as Chad, the country immediately west, and seen the terrible tragedies that are being created by this ongoing genocide. The Commission refused to condemn state sponsors of terrorism, such as Iran, Syria, and North Korea. They consistently singled out the only democracy in the Middle East, Israel, for criticism, while overlooking serious cases of human rights abuse in neighboring countries. The Commission repeatedly proved itself ineffective, unaccountable, and inefficient. It failed to achieve the goals and uphold the ideals for which it was created. Now, to their credit, the United States and many at the United Nations recognized the need for serious reform of the Commission in order to restore the U.N.'s credibility. However, the U.N.'s new Human Rights Council, established just 2 weeks ago, fails to do just that. It falls far short of the standards envisioned by President Bush and Secretary General Kofi Annan. It glosses over its deficiencies and offers only superficial changes to the former Commission structure.

Fundamentally, the Council lacks the mechanisms and standards necessary to prevent flagrant human rights violators from gaining membership. It maintains the geographical quotas that will, once again, ensure that human rights abusers continue to have access to membership. It is wrong. It does not make sense. In short, the new Council fails to improve over the old Commission, and it is destined to fail in its core mission of monitoring and preventing human rights abuses around the world.

I applaud President Bush and our Ambassador at the U.N., John Bolton, for opposing the resolution establishing the Council. I personally urge the administration, as does this resolution, to oppose U.S. participation in and deny American support for the U.N.'s new Human Rights Council. This would uphold America's credibility and reputation as a protector of human rights and deny the Council unwarranted legitimacy.

I also believe that the United States should lead a group of like-minded de-

mocracies to establish an effective human rights oversight body outside of the U.N. system. At a minimum, countries charged with protecting human rights should themselves hold regular, competitive, democratic elections; allow for freedom of expression; and have a credible civil society—all of which was not the case for the old U.N. Commission, nor is it now the case for the new Council.

Regrettably, the U.N. and many of its member states have shown that they are not serious about reform. Therefore, the United States and those committed to protecting human rights must adhere to our principles and work toward a solution outside of the United Nations.

For too long, the world's worst human rights abusers have successfully shielded themselves from scrutiny. It is time for change. It is time for sunlight. I believe that under the leadership of America, we should create a new, a stronger, a more credible body to protect the human rights of all of those who are vulnerable around the world.

#### AMENDMENTS SUBMITTED AND PROPOSED

SA 3214. Mr. SANTORUM (for himself and Ms. MIKULSKI) submitted an amendment intended to be proposed by him to the bill S. 2454, to amend the Immigration and Nationality Act to provide for comprehensive reform and for other purposes; which was ordered to lie on the table.

SA 3215. Mr. ISAKSON proposed an amendment to amendment SA 3192 submitted by Mr. SPECTER (for himself, Mr. LEAHY, and Mr. HAGEL) to the bill S. 2454, *supra*.

SA 3216. Mr. ALLARD submitted an amendment intended to be proposed to amendment SA 3192 submitted by Mr. SPECTER (for himself, Mr. LEAHY, and Mr. HAGEL) to the bill S. 2454, *supra*; which was ordered to lie on the table.

SA 3217. Ms. MIKULSKI (for herself and Mr. WARNER) submitted an amendment intended to be proposed to amendment SA 3192 submitted by Mr. SPECTER (for himself, Mr. LEAHY, and Mr. HAGEL) to the bill S. 2454, *supra*; which was ordered to lie on the table.

SA 3218. Mr. KENNEDY submitted an amendment intended to be proposed to amendment SA 3192 submitted by Mr. SPECTER (for himself, Mr. LEAHY, and Mr. HAGEL) to the bill S. 2454, *supra*; which was ordered to lie on the table.

SA 3219. Mr. KENNEDY submitted an amendment intended to be proposed by him to the bill S. 2454, *supra*; which was ordered to lie on the table.

#### TEXT OF AMENDMENTS

**SA 3214.** Mr. SANTORUM (for himself and Ms. MIKULSKI) submitted an amendment intended to be proposed by him to the bill S. 2454, to amend the Immigration and Nationality Act to provide for comprehensive reform and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

**SEC. . . DESIGNATION OF POLAND AS A VISA WAIVER COUNTRY.**

(a) FINDINGS.—Congress makes the following findings:

(1) Since the founding of the United States, Poland has proven its steadfast dedication to the causes of freedom and friendship with the United States, exemplified by the brave actions of Polish patriots such as Casimir Pulaski and Tadeusz Kosciuszko during the American Revolution.

(2) Polish history provides pioneering examples of constitutional democracy and religious tolerance.

(3) The United States is home to nearly 9,000,000 people of Polish ancestry.

(4) Polish immigrants have contributed greatly to the success of industry and agriculture in the United States.

(5) Since the demise of communism, Poland has become a stable, democratic nation.

(6) Poland has adopted economic policies that promote free markets and rapid economic growth.

(7) On March 12, 1999, Poland demonstrated its commitment to global security by becoming a member of the North Atlantic Treaty Organization.

(8) On May 1, 2004, Poland became a member state of the European Union.

(9) Poland was a staunch ally to the United States during Operation Iraqi Freedom.

(10) Poland has committed 2,300 soldiers to help with ongoing peacekeeping efforts in Iraq.

(11) The Secretary of State and the Secretary administer the visa waiver program, which allows citizens from 27 countries, including France and Germany, to visit the United States as tourists without visas.

(12) On April 15, 1991, Poland unilaterally repealed the visa requirement for United States citizens traveling to Poland for 90 days or less.

(13) More than 100,000 Polish citizens visit the United States each year.

(b) **VISA WAIVER PROGRAM.**—Effective on the date of the enactment of this Act, and notwithstanding section 217(c) of the Immigration and Nationality Act (8 U.S.C. 1187(c)), Poland shall be deemed a designated program country for purposes of the visa waiver program established under section 217 of such Act.

**SA 3215.** Mr. ISAKSON proposed an amendment to amendment SA 3192 submitted by Mr. SPECTER (for himself, Mr. LEAHY, and Mr. HAGEL) to the bill S. 2454, to amend the Immigration and Nationality Act to provide for comprehensive reform and for other purposes; as follows:

At the appropriate place, insert the following:

**SEC. . BORDER SECURITY CERTIFICATION.**

Notwithstanding any other provision of law, beginning on the date of the enactment of this Act, the Secretary may not implement a new conditional nonimmigrant work authorization program that grants legal status to any individual who illegally enters or entered the United States, or any similar or subsequent employment program that grants legal status to any individual who illegally enters or entered the United States until the Secretary provides written certification to the President and the Congress that the borders of the United States are reasonably sealed and secured.

**SA 3216.** Mr. ALLARD submitted an amendment intended to be proposed to amendment SA 3192 submitted by Mr. SPECTER (for himself, Mr. LEAHY, and Mr. HAGEL) to the bill S. 2454, to amend the Immigration and Nationality Act to provide for comprehensive reform and for other purposes; which was ordered to lie on the table; as follows:

On page 57, line 15, strike “(f)” and insert the following:

(f) **TERRORIST ACTIVITIES.**—Section 212(a)(3)(B)(i) (8 U.S.C. 1182(a)(3)(B)(i)) is amended—

(1) in subclause (III), by striking “, under circumstances indicating an intention to cause death or serious bodily harm, incited” and inserting “incited or advocated”; and

(2) in subclause (VII), by striking “or espouses terrorist activity or persuades others to endorse or espouse” and inserting “espouses, or advocates terrorist activity or persuades others to endorse, espouse, or advocate”.

**SA 3217.** Ms. MIKULSKI (for herself and Mr. WARNER) submitted an amendment intended to be proposed to amendment SA 3192 submitted by Mr. SPECTER (for himself, Mr. LEAHY, and Mr. HAGEL) to the bill S. 2454, to amend the Immigration and Nationality Act to provide for comprehensive reform and for other purposes; which was ordered to lie on the table; as follows:

On page 174, between lines 15 and 16, insert the following:

**SEC. 2. . EXTENSION OF RETURNING WORKER EXEMPTION.**

Section 402(b)(1) of the Save Our Small and Seasonal Businesses Act of 2005 (title IV of division B of Public Law 109-13; 8 U.S.C. 1184 note) is amended by striking “2006” and inserting “2009”.

**SA 3218.** Mr. KENNEDY submitted an amendment intended to be proposed to amendment SA 3192 submitted by Mr. SPECTER (for himself, Mr. LEAHY, and Mr. HAGEL) to the bill S. 2454, to amend the Immigration and Nationality Act to provide for comprehensive reform and for other purposes; which was ordered to lie on the table; as follows:

On page 329, line 11, insert “(other than subparagraph (C)(i)(II) of such paragraph (9))” after “212(a)”.

On page 330, strike lines 8 through 15, and insert the following: this paragraph to waive the provisions of section 212(a).

“(3) **INELIGIBILITY.**—An alien is ineligible for conditional nonimmigrant work authorization and status under this section if—

“(A) the Secretary of Homeland Security determines that—

“(i) the alien, having been convicted by a final judgment of a serious crime, constitutes a danger to the community of the United States;

“(ii) there are reasonable grounds for believing that the alien has committed a serious crime outside the United States prior to the arrival of the alien in the United States; or

“(iii) there are reasonable grounds for regarding the alien as a danger to the security of the United States;

“(B) the alien has been convicted of any felony or three or more misdemeanors; or

**SA 3219.** Mr. KENNEDY submitted an amendment intended to be proposed by him to the bill S. 2454, to amend the Immigration and Nationality Act to provide for comprehensive reform and for other purposes; which was ordered to lie on the table; as follows:

At the end of title III, insert the following:

**SEC. 305. EMPLOYEE IDENTITY THEFT PREVENTION AND PRIVACY PROTECTION.**

(a) **FINDINGS.**—

(1) According to the Federal Trade Commission, more than 8,400,000 Americans were

victims of identity theft in 2004, and according to published reports approximately 55,000,000 Americans’ most sensitive, personally identifiable information was accidentally made public through a data breach during 2005.

(2) Approximately 54,000,000 times each year, someone in America begins a new job and full implementation of the System will require transfer of data to verify the identity and authorization of each potential new employee.

(3) The data transferred through the System or stored in the databases utilized to verify identity and authorization will contain each employee’s most sensitive, personally identifiable information.

(4) The information transferred and stored will be of uniquely high value to any potential identity thief, nonwork authorized undocumented alien, alien smuggler, or terrorist seeking to establish work authorization under another’s name.

(5) The System should not be implemented or expanded unless it sufficiently protects against identity theft and safeguards employees’ personal privacy.

(b) **PRIVACY PROTECTIONS IN THE ELECTRONIC EMPLOYMENT VERIFICATION SYSTEM.**—Section 274A (8 U.S.C. 1324a), as amended by section 301(a), is further amended by adding at the end of subsection (d)(2) the following new subparagraphs:

“(H) **LIMITATION ON DATA ELEMENTS COLLECTED FOR VERIFICATION PROCESS.**—Employers utilizing the System shall obtain only the following data elements from any employee:

“(i) The employee’s full legal name.

“(ii) The employee’s date of birth.

“(iii) The employee’s social security account number or other employment authorization status identification number.

“(I) **LIMITATION ON DATA ELEMENTS STORED.**—The System and any databases created by the Commissioner of Social Security or the Secretary to achieve confirmation, tentative nonconfirmation, or final nonconfirmation of employment eligibility for an individual shall store only the minimum data about each individual for whom an inquiry was made to facilitate the successful operation of the System, but in no case shall the data stored be other than—

“(i) the individual’s full legal name;

“(ii) the individual’s date of birth;

“(iii) the individual’s social security account number or other employment authorization status identification number;

“(iv) the address of the employer making the inquiry;

“(v) the dates of any prior inquiries concerning the identity and eligibility of the employee by the employer or any other employers and the address of any such employer;

“(vi) records of any prior confirmations, tentative nonconfirmations, or final nonconfirmations issued under the System for the individual; and

“(vii) in the case of an employee successfully challenging a prior tentative nonconfirmation, explanatory information concerning the successful resolution of any erroneous data or confusion regarding the identity of the employee, including the source of that error.

“(J) **LIMITATION OF SYSTEM USE OR INFORMATION TRANSFER.**—Only individuals employed by the Commissioner of Social Security or the Secretary to implement and operate the System shall be permitted access to the System and any information in the databases queried to determine identity and employment authorization. It shall be unlawful for any other person to access the System or such databases or obtain information from the System or database. Information stored

in the Systems or such databases may not be transferred to or shared with any Federal, State, or local government officials for any purpose other than preventing unauthorized workers from obtaining employment.

“(K) PROTECTION AGAINST UNLAWFUL INTERCEPTION AND DATA BREACHES.—The Commissioner of Social Security and the Secretary shall protect against unauthorized disclosure of the information transferred between employers, the Commissioner, and the Secretary and between the Commissioner and the Secretary by requiring that all information transmitted be encrypted.

“(L) ROBUST COMPUTER SYSTEM AND SOFTWARE SECURITY.—The Commissioner of Social Security and the Secretary shall employ robust, state-of-the-art computer system and software security to prevent hacking of the System or the databases employed.

“(M) SYSTEM SECURITY TESTING.—

“(i) REQUIREMENT FOR TESTING.—The Commissioner of Social Security and the Secretary shall require periodic stress testing of the System to determine if the System contains any vulnerabilities to data loss or theft or improper use of data. Such testing shall occur not less often than prior to each phase-in expansion of the System.

“(ii) REQUIREMENT TO REPAIR VULNERABILITIES.—Any computer vulnerabilities identified under clause (i) or through any other process shall be resolved prior to initial implementation or any subsequent expansion of the System.

“(iii) REQUIREMENT TO UPDATE.—The Secretary shall regularly update the System to ensure that the data protections in the System remains consistent with the state-of-the-art for databases of similarly sensitive personally identifiable information.

“(N) PROHIBITION OF UNLAWFUL ACCESSING AND OBTAINING OF INFORMATION.—

“(i) IMPROPER ACCESS.—It shall be unlawful for any individual, other than the government employees authorized in this subsection, to intentionally and knowingly access the System or the databases utilized to verify identity or employment authorization for the System for any purpose other than verifying identity or employment authorization or modifying the System pursuant to law or regulation. Any individual who unlawfully accesses the System or the databases or shall be fined not less than \$1,000 for each individual whose file was compromised or sentenced to less than 6 months imprisonment for each individual whose file was compromised.

“(ii) IDENTITY THEFT.—It shall be unlawful for any individual, other than the government employees authorized in this subsection, to intentionally and knowingly obtain the information concerning an individual stored in the System or the databases utilized to verify identity or employment authorization for the System for any purpose other than verifying identity or employment authorization or modifying the System pursuant to law or regulation. Any individual who unlawfully obtains such information and uses it to commit identity theft for financial gain or to evade security or to assist another in gaining financially or evading security, shall be fined not less than \$10,000 for each individual whose information was obtained and misappropriated sentenced to not less than 1 year of imprisonment for each individual whose information was obtained and misappropriated.

“(O) OFFICE OF EMPLOYEE PRIVACY.—

“(i) ESTABLISHMENT.—The Commissioner of Social Security and the Secretary shall establish a joint Office of Employee Privacy that shall be empowered to protect the rights of employees subject to verification under the System.

“(ii) AUTHORITY TO INVESTIGATE.—The Office of Employee Privacy shall investigate alleged privacy violations concerning failure of the Commissioner or the Secretary to satisfy the requirements of subparagraphs (H) through (Q) of this paragraph and any data breaches that may occur pursuant to the implementation and operation of the System.

“(iii) AUTHORITY TO ISSUE SUBPOENAS.—The head of the Office of Employee Privacy may issue subpoenas for a document or a person to facilitate an investigation.

“(iv) ANNUAL REPORT TO CONGRESS.—The head of the Office of Employee Privacy shall submit to Congress an annual report concerning the operation of the System.

“(v) ANNUAL REPORT ON INCORRECT NOTICES.—The head of the Office of Employee Privacy shall, at least annually, study and issue findings concerning the most common causes of the incorrect issuance of nonconfirmation notices under the System. Such report shall include recommendations for preventing such incorrect notices.

“(vi) AVAILABILITY OF REPORTS.—The head of the Office of Employee Privacy shall make available to the public any report issued by the Office concerning findings of an investigation conducted by the Office.

“(vii) REQUIREMENT FOR HOTLINE.—The head of the Office of Employee Privacy shall establish a fully staffed 24-hour hotline to receive inquiries by employees concerning tentative nonconfirmations and final nonconfirmations and shall identify for employees, at the time of inquiry, the particularity data that resulted in the issuance of a nonconfirmation notice under the System.

“(viii) CERTIFICATION BY GAO.—The Secretary may not implement the System or any subsequent expansion or phase-in of the System unless the Comptroller General of the United States certifies that the Office of Employee Privacy has hired sufficient employees to answer employee inquiries and respond in real time concerning the particular data that resulted in the issuance of a nonconfirmation notice.

“(ix) TRAINING IN PRIVACY PROTECTION.—The head of the Office of Employee Privacy shall train any employee of the Social Security Administration or the Department of Homeland Security who implements or operates the System concerning the importance of and means of utilizing best practices for protecting employee privacy while utilizing and operating the System.

“(P) AUDITS OF DATA ACCURACY.—The Commissioner of Social Security and the Secretary shall randomly audit a substantial percentage of both citizens and work-eligible noncitizens files utilized to verify identity and authorization for the System each year to determine accuracy rates and shall require correction of errors in a timely fashion.

“(Q) EMPLOYEE RIGHT TO REVIEW SYSTEM INFORMATION AND APPEAL ERRONEOUS NONCONFIRMATIONS.—Any employee who contests a tentative nonconfirmation notice or final nonconfirmation notice may review and challenge the accuracy of the data elements and information in the System that resulted in the issuance of the nonconfirmation notice. Such a challenge may include the ability to submit additional information or appeal any final nonconfirmation notice to the Office of Employee Privacy. The head of the Office of Employee Privacy shall review any such information submitted pursuant to such a challenge and issue a response and decision concerning the appeal within 7 days of the filing of such a challenge.”.

## AUTHORITY FOR COMMITTEES TO MEET

### COMMITTEE ON HOMELAND SECURITY AND GOVERNMENTAL AFFAIRS

Mr. CORNYN. Mr. President, I ask unanimous consent that the Committee on Homeland Security and Governmental Affairs be authorized to meet on Friday, March 31, 2006, at 10 a.m. to consider the nomination of Uttam Dhillon to be Director of the Office of Counternarcotics Enforcement at the U.S. Department of Homeland Security and, immediately following the hearing, to consider the nomination of Mark D. Acton to be Commissioner of the Postal Rate Commission.

The PRESIDING OFFICER. Without objection it is so ordered.

### COMMITTEE ON THE JUDICIARY

Mr. CORNYN. Mr. President, I ask unanimous consent that the Senate Committee on the Judiciary be authorized to meet to conduct a hearing on An Examination of the Call to Censure the President on Friday, March 31, 2006, at 9:30 a.m. in Room 226 of the Dirksen Senate Office Building.

### Witness List

Panel I: Robert F. Turner, Associate Director, Center for National Security Law, University of Virginia, Charlottesville, VA; Bruce Fein, Partner, Fein & Fein, Washington, DC; Lee Casey, Partner, Baker & Hostetler, Washington, DC; John Dean, White House Counsel to President Richard Nixon, Author, Worse than Watergate; John Schmidt, Partner, Mayer Brown Rowe Maw LLP, Chicago, IL.

The PRESIDING OFFICER. Without objection, it is so ordered.

## PRIVILEGE OF THE FLOOR

Mr. CORNYN. Mr. President, I ask unanimous consent that the privilege of the floor be granted for the duration of the immigration debate to Susannah Prucka, a member of my staff on the Subcommittee on Immigration, Border Security and Citizenship.

The PRESIDING OFFICER. Without objection, it is so ordered.

## EXECUTIVE SESSION

### EXECUTIVE CALENDAR

Mr. FRIST. Mr. President, I ask unanimous consent that the Senate immediately proceed to executive session to consider the following nominations on today's Executive Calendar: Calendar Nos. 599, 603, and 604. I further ask unanimous consent that the nominations be confirmed en bloc, the motions to reconsider be laid upon the table, the President be immediately notified of the Senate's action, and the Senate then return to legislative session.

The PRESIDING OFFICER. Without objection, it is so ordered.

The nominations considered and confirmed en bloc are as follows: